IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 17267 of 2004

Between:

M/s Deccan Iron Manufacturing Works 2-3-721 and 722, Amberpet, Hyderabad – 500013, rep.by its Partner Mr.M.A.Jaweed.

..... PETITIONER

AND

1 The Commercial Tax Officer Vidyanagar Circle, Hyderabad.
2 The Deputy Commissioner (CT) Secunderabad Division, Hyderabad.
3 The Additional Commissioner (CT) Legal, A.P.Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari or any other appropriate writ or order or direction quashing the order of the 3rd Respondent in CCT's Ref.LV (3)/147/04 dated 27.8.2004 as unreasonable and unjustified and restrain the 1st Respondent from taking any coercive steps for recovery of the disputed tax of Rs.12,95,368/- for the assessment year 1998-99 pending disposal of the petitioners appeal before the Sales Tax Appellate Tribunal.

Counsel for the Petitioner:MR.S.DWARAKANATH

Counsel for the Respondents : GP FOR COMMERCIAL TAXES

The Court at the admission stage, made the following :

ORDER : (per Hon'ble Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of eight weeks. For eight weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within eight weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

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(BILAL NAZKI, J)

28th September, 2004.

(S.ANANDA REDDY, J)

ajr

To

1 The Commercial Tax Officer Vidyanagar Circle, Hyderabad.
2 The Deputy Commissioner (CT) Secunderabad Division, Hyderabad.
3 The Additional Commissioner (CT) Legal, A.P.Nampally, Hyderabad.

4 Two C.Cs. to the G.P. for Commercial Taxes, High Court Buildings,

Hyderabad (O.U.T).

5 Two C.D. copies.